

REMARKS

Claims 26-40 are pending in the current application. Claims 20, 26, and 30 are independent claims. The claims have been amended to more properly match standard U.S. claim language. No new matter has been added. In view of the following remarks, favorable reconsideration and allowance of the present application is respectfully requested.

Priority

Applicants thank the Examiner for acknowledging the claim of foreign priority to Switzerland 2003 1082/03. Applicants also appreciate the Examiner's indication that a certified copy of the Switzerland application has not been received.

Information Disclosure Statement

Applicants appreciate the Examiner's indication that the IDS filed December 20, 2005 has been considered.

Election

Applicants appreciate the Examiner's recognition that the previously issued Restriction Requirement was improper and therefore has been withdrawn.

35 U.S.C. §112, Second Paragraph

Claim 25 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Applicants respectfully submit that claim 25 has been

amended to correct “said reception means” to “said receiving means.”

Therefore, Applicants request withdrawal of this rejection.

35 U.S.C. §102 (b) Rejections

Claims 20-25 stand rejected under 35 U.S.C. §102 (b) as being anticipated by Tsuria (US Patent No. 6,405,369). Applicants respectfully traverse this rejection.

Applicants respectfully submit that Tsuria does not disclose every feature of independent claim 20. For example, claim 20 recites, *inter alia*, “wherein the decoder furthermore includes means to deactivate the processing of Pay-TV data as well as a counter acting on said deactivation means according to its content.” The Examiner cites the functionality of a descrambler as corresponding to the claimed deactivation means (Tsuria, column 5, line 66 to column 6, line 8) and a deactivation date stored in the decoder in combination with the “chaining data” as corresponding to the claimed counter. See, Action at 3.

Applicants submit that a descrambler itself is not a deactivation means, even if a key has to be input to enable the descrambler to work. For example, the status of the claimed deactivation means may be binary, e.g., open or closed, as defined by the claimed counter. In contrast, the Examiner’s cited “deactivation means” is defined outside of the decoder (e.g., no key is input, the descrambler does not work) as compared to the claims, which clearly indicate that the decoder includes the deactivation means.

Also, the cited “deactivation means” of Tsuria are located in the smartcards.

See, column 5, line 66 to column 6, line 2.

Furthermore, with regard to the claimed counter, Tsuria does not disclose a decoder having both the claimed counter and deactivation means. Tsuria clearly discloses in column 2, lines 6 to 10 and column 6, lines 40 to 47 that the “deactivation date” is located in the smart card, not the decoder. Also, Tsuria teaches the chaining data as generated in the first smart card and thereafter transferred to the second smart card with the decoder acting as only an intermediate memory. See, column 2, lines 26 to 33, and column 7, lines 29 to 43. Therefore, Tsuria does not disclose the claimed decoder.

In view of the above, Applicants respectfully submit that independent claim 20 is allowable as are dependent claims 21-25 at least for depending on an allowable base claim.

35 U.S.C. §103 (a) Rejections

Claims 25-40 stand rejected under 35 U.S.C. §103 (a) as being unpatentable over Tsuria in view of LeBerre et al. (US Patent No. 5,748,732). Applicants respectfully traverse these rejections.

With regard to independent claims 26 and 30, claim 26 recites, *inter alia*, “decoders including means to deactivate the processing of the Pay-TV data, wherein each of the decoders furthermore includes a counter that acts on said deactivation means” and claim 30 recites, *inter alia*, “said decoders including means to deactivate the processing of Pay-TV data and a counter

that acts on said deactivation means.” As discussed above, Tsuria does not disclose or suggest a decoder including a deactivation counter and deactivation means. In addition, the Examiner admits that Tsuria does not teach master/slave security modules.

While the Examiner does not recognize the identified elements as missing, the Examiner does not cite or indicate that LeBerre teaches or suggests these deficiencies with respect to Tsuria.

Therefore, at least for the reasons discussed, independent claims 26 and 30 are allowable as are dependent claims 27-29 and 31-40 at least for depending from allowable base claims.

CONCLUSION

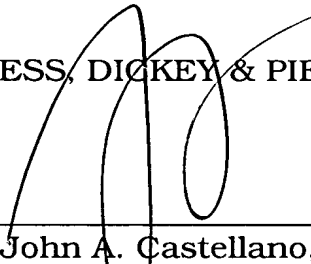
For all of the above stated reasons, reconsideration and withdrawal of the outstanding rejections and favorable allowance of all claims in the instant application are earnestly solicited.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, PLC

By


John A. Castellano, Reg. No. 35,094

P.O. Box 8910
Reston, VA 20195
(703) 668-8000


JAC/JES:ame